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BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

PARTON, KEVIN S

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 02/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,945

Applicant(s)

TURNIDGE, TODD D.

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because in the first sentence, the phrase "Apparatus, methods, and computer-readable media are disclosed for," is unnecessary.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marullo et al. (USPN 6,044,398).
5. Regarding claim 1, Marullo et al. (USPN 6,044,398) teach a web server comprising:

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- a. A request handler worker for handling queries relating to the server (column 8, lines 27-31; column 23, lines 8-9). Note that in the reference, a web server is being tested and it resolves a request and returns data.
- b. A plurality of services wherein a service performs operations for replying to an incoming query (column 8, lines 27-31; column 23, lines 8-9). Note that in the reference, the requests are for application functions and they are serviced.
- c. An operations worker for constructing output containing a reply to the incoming query, wherein the reply provides insight into or effects the operation of the server (column 8, lines 8-10, 27-31). Note that in the reference, the returned data gives insight into the operation of the web server.

Although the system disclosed by Marullo et al. (USPN 6,044,398) shows substantial features of the claimed invention, it fails to disclose that the web server is a virtual machine.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Marullo et al. (USPN 6,044,398), as evidenced by Joffe et al. (USPN 6,185,619).

In an analogous art, Joffe et al. (USPN 6,185,619) discloses a system wherein a virtual machine functions as a web server (column 4, lines 61-63; column 6, line 60). Note that in the reference, the virtual machine is noted as being used as any type of server. The web server is specifically mentioned.

Given the teaching of Joffe et al. (USPN 6,185,619), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Marullo et al. (USPN 6,044,398) by employing the use of a virtual machine as the web server. Virtual

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machines are common in many implementations with Java. This benefits the system by allowing the web server to run on any platform.

6. Regarding claim 2, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 1. They further teach means wherein the request handler is an http thread (column 7, lines 17-19; column 17, lines 27-28). Note that in the reference, the html references are used over the web via http.

7. Regarding claim 3, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 2. They further teach means wherein the incoming query is in http format (column 7, lines 17-19; column 17, lines 27-28). Note that in the reference, the html references are used over the web via http.

8. Regarding column 4, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 1. They further teach means wherein the request handler worker further includes a query parser for parsing the incoming query (column 8, lines 27-31; column 23, lines 8-9). Note that in the reference, the web server receives requests, parses them, retrieves the data, and returns it. This is all part of the standard function of a web server.

9. Regarding claim 5, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 1. They further teach means wherein the request handler is created upon starting the server (column 8, lines 27-31; column 23, lines 8-9). Note that in the reference, the web server receives requests, parses them, retrieves the data, and returns it. This is all part of the standard function of a web server. Also, note that the functions of the server would not be available until startup.

Although the system disclosed by Marullo et al. (USPN 6,044,398) shows substantial features of the claimed invention, it fails to disclose that the web server is a virtual machine.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Marullo et al. (USPN 6,044,398), as evidenced by Joffe et al. (USPN 6,185,619).

In an analogous art, Joffe et al. (USPN 6,185,619) discloses a system wherein a virtual machine functions as a web server (column 4, lines 61-63; column 6, line 60). Note that in the reference, the virtual machine is noted as being used as any type of server. The web server is specifically mentioned.

Given the teaching of Joffe et al. (USPN 6,185,619), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Marullo et al. (USPN 6,044,398) by employing the use of a virtual machine as the web server. Virtual machines are common in many implementations with Java. This benefits the system by allowing the web server to run on any platform.

10. Regarding claim 6, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 1. They further teach means wherein the request handler worker functions as a network traffic manager for routing queries and responses (column 8, lines 27-31; column 23, lines 8-9). Note that in the reference, the web server receives requests, parses them, retrieves the data, and returns it. This is all part of the standard function of a web server. Also, note that web server inherently has a request handler that will route requests in and out of the system.

11. Regarding claim 7, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 1. They further teach means wherein the plurality of services contains an index of available services and parameters for each service (column 10). Note that in the reference, the program accesses the services and the full list or index is shown in the table.

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12. Regarding claim 8, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 1. They further teach means wherein the operation worker is a server operations thread (column 8, lines 27-31; column 23, lines 8-9). Note that in the reference, the web server receives requests, parses them, retrieves the data, and returns it. This is all part of the standard function of a web server. Note that the actual function of the web server's applications can be referred to as an operations thread.

Although the system disclosed by Marullo et al. (USPN 6,044,398) shows substantial features of the claimed invention, it fails to disclose that the web server is a virtual machine.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Marullo et al. (USPN 6,044,398), as evidenced by Joffe et al. (USPN 6,185,619).

In an analogous art, Joffe et al. (USPN 6,185,619) discloses a system wherein a virtual machine functions as a web server (column 4, lines 61-63; column 6, line 60). Note that in the reference, the virtual machine is noted as being used as any type of server. The web server is specifically mentioned.

Given the teaching of Joffe et al. (USPN 6,185,619), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Marullo et al. (USPN 6,044,398) by employing the use of a virtual machine as the web server. Virtual machines are common in many implementations with Java. This benefits the system by allowing the web server to run on any platform.

13. Regarding claim 9, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 1. They further teach means for transferring data between the request handler worker and

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the operations worker (column 8, lines 27-31; column 23, lines 8-9). Note that in the reference, the web server receives requests, parses them, retrieves the data, and returns it. This is all part of the standard function of a web server. Also, note that the ability of two components acting within a single server will be able to communicate.

14. Regarding claim 10, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 9. They further teach means wherein the request handler worker creates the request data structure (column 8, lines 27-31; column 23, lines 8-9). Note that in the reference, the web server receives requests, parses them, retrieves the data, and returns it. This is all part of the standard function of a web server. Also, note that request structure is common in a web system, but the internal workings of the web server may change the format of the request to suit the server-based applications.

15. Regarding claim 11, although the system disclosed by Marullo et al. (USPN 6,044,398) (as applied to claim 9) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the request data structure has a service pointer area, a response buffer area, and a segment query area.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Marullo et al. (USPN 6,044,398).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Marullo et al. (USPN 6,044,398) by employing the use of a service pointer area, response buffer, and segment query area in a request. These would all be useful in the return of data because each request will need to specify at least the service needed and the space for a reply. This benefits the system by allowing for a standardized request structure.

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16. Regarding claim 12, although the system disclosed by Marullo et al. (USPN 6,044,398) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means wherein the virtual machine is a Java virtual machine.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Marullo et al. (USPN 6,044,398), as evidenced by Joffe et al. (USPN 6,185,619).

In an analogous art, Joffe et al. (USPN 6,185,619) discloses a system wherein the virtual machine is a Java virtual machine (column 4, lines 61-63; column 6, line 60). Note that in the reference, the virtual machine is noted as being used as any type of server. The web server is specifically mentioned.

Given the teaching of Joffe et al. (USPN 6,185,619), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Marullo et al. (USPN 6,044,398) by employing the use of a Java virtual machine as the web server. Virtual machines are common in many implementations with Java. This benefits the system by allowing the web server to run on any platform.

17. Regarding claims 13 and 26, Marullo et al. (USPN 6,044,398) teach a system for handling an incoming query comprising:

- a. Invoking a network traffic worker for receiving the request (column 8, lines 27-31; column 23, lines 8-9). Note that upon startup, the web server will have a mechanism for receiving a request.
- b. Receiving a request from a browser (column 8, lines 27-31; column 23, lines 8-9; column 10). Note that the browsers send in requests as input files.

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- c. Processing the request to determine the service needed to respond to the request (column 8, lines 27-31; column 23, lines 8-9). Note that the web server as a common function parses the requests.
- d. Creating a request data structure (column 8, lines 27-31; column 23, lines 8-9). Note that the web server must parse out the input file into individual commands and requests.
- e. Effecting a response to the request by passing the request data structure to a virtual machine operations worker (column 8, lines 27-31; column 23, lines 8-9; column 8, lines 8-10). Note that the response is the data requested by the input file.
- f. Transmitting the response to the browser (figure 3). Note that this is a common function of a web server.

Although the system disclosed by Marullo et al. (USPN 6,044,398) shows substantial features of the claimed invention, it fails to disclose that the system is a virtual machine.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Marullo et al. (USPN 6,044,398), as evidenced by Joffe et al. (USPN 6,185,619).

In an analogous art, Joffe et al. (USPN 6,185,619) discloses a system wherein the system is a virtual machine (column 4, lines 61-63; column 6, line 60). Note that in the reference, the virtual machine is noted as being used as any type of server. The web server is specifically mentioned.

Given the teaching of Joffe et al. (USPN 6,185,619), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Marullo et al. (USPN 6,044,398) by employing the use of a virtual machine. Virtual machines are common in many implementations with Java. This benefits the system by allowing the it to run on any platform.

18. Regarding claim 14, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 13. They further teach means for invoking a web server in the virtual machine (column 8, lines 27-31; column 23, lines 8-9). Note that in the reference, the system contains a web server.

19. Regarding claim 15, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 14. They further teach means for creating a request thread (column 8, lines 27-31; column 23, lines 8-9). Note that a web server accepts requests as part of its general function.

20. Regarding claim 16, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 15. They further teach means wherein receiving a request from a browser further includes establishing a secure HTTP connection where the request is an HTTP request (column 7, lines 17-19; column 17, lines 27-28). Note that in the reference, the html references are used over the web via http. Note that the security of the connection may be based on the system setup.

21. Regarding claim 17, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 13. They further teach means wherein processing the request further includes parsing the request into segments thereby determining the service needed to respond to the request (column 10; column 8, lines 27-31; column 23, lines 8-9; column 8, lines 8-10). Note that the

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request is submitted as multiple lines of commands and requests. This may not all go to the same system, so it must be parsed.

22. Regarding claim 18, although the system disclosed by Marullo et al. (USPN 6,044,398) (as applied to claim 17) shows substantial features of the claimed invention, it fails to disclose means for creating a pointer to the service in a service library.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Marullo et al. (USPN 6,044,398).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Marullo et al. (USPN 6,044,398) by employing the use of a service pointer. The server must have a method for knowing which services are being requested in each input file, pointers are a common way to implement this. This benefits the system by giving the server the capability to operate with constantly growing services.

23. Regarding claim 19, although the system disclosed by Marullo et al. (USPN 6,044,398) (as applied to claim 13) shows substantial features of the claimed invention, it fails to disclose specifically means wherein creating the request data structure includes creating a service pointer area, a response buffer area, and a segment query area.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Marullo et al. (USPN 6,044,398).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Marullo et al. (USPN 6,044,398) by employing the use of a service pointer area, response buffer, and segment query area in a request. These would all be useful in

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the return of data because each request will need to specify at least the service needed and the space for a reply. This benefits the system by allowing for a standardized request structure.

24. Regarding claim 20, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 19. They further teach means for generating an HTTP response containing an HTML document (column 7, lines 17-19; column 17, lines 27-28). Note that in the reference, the html references are used over the web via http.

Although the system disclosed by Marullo et al. (USPN 6,044,398) shows substantial features of the claimed invention, it fails to disclose means wherein the response is stored in a third storage area of a request data structure.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Marullo et al. (USPN 6,044,398).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Marullo et al. (USPN 6,044,398) by employing a request data structure with placement specified for the result. This benefits the system by providing a common space for the result into a known format. In addition, the size of the result can be controlled thus not taking up more bandwidth than allowed.

25. Regarding claim 21, Marullo et al. (USPN 6,044,398) teach all the limitations as applied to claim 19. They further teach means for generating XML pages into the third storage area of the request data structure (column 7, lines 17-19; column 17, lines 27-28). Note that in the reference, the html references are used over the web via http. XML is just another markup language that can be used in web client server systems.

26. Regarding claim 22, Marullo et al. (USPN 6,044,398) teaches all the limitations as applied to claim 13. They further teach means for performing operations in the server using the service and under the control of the server operations worker (column 8, lines 27-31; column 23, lines 8-9; column 8, lines 8-10). Note that in the reference, the server can provide responses to the clients via its server capabilities. This can be referred to as an operations worker.

Although the system disclosed by Marullo et al. (USPN 6,044,398) shows substantial features of the claimed invention, it fails to disclose that the web server is a virtual machine.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Marullo et al. (USPN 6,044,398), as evidenced by Joffe et al. (USPN 6,185,619).

In an analogous art, Joffe et al. (USPN 6,185,619) discloses a system wherein a virtual machine functions as a web server (column 4, lines 61-63; column 6, line 60). Note that in the reference, the virtual machine is noted as being used as any type of server. The web server is specifically mentioned.

Given the teaching of Joffe et al. (USPN 6,185,619), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Marullo et al. (USPN 6,044,398) by employing the use of a virtual machine as the web server. Virtual machines are common in many implementations with Java. This benefits the system by allowing the web server to run on any platform.

27. Regarding claim 23, Marullo et al. (USPN 6,044,398) teaches all the limitations as applied to claim 13. They further teach means for stopping normal operation of the server while the request is acted upon (column 8, lines 27-31; column 23, lines 8-9; column 8, lines 8-10).

Note that in the reference, the purpose of the test is to overwhelm the server. The server, if previously online, would have to be removed from all other work in order to retrieve accurate results.

Although the system disclosed by Marullo et al. (USPN 6,044,398) shows substantial features of the claimed invention, it fails to disclose that the web server is a virtual machine.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Marullo et al. (USPN 6,044,398), as evidenced by Joffe et al. (USPN 6,185,619).

In an analogous art, Joffe et al. (USPN 6,185,619) discloses a system wherein a virtual machine functions as a web server (column 4, lines 61-63; column 6, line 60). Note that in the reference, the virtual machine is noted as being used as any type of server. The web server is specifically mentioned.

Given the teaching of Joffe et al. (USPN 6,185,619), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Marullo et al. (USPN 6,044,398) by employing the use of a virtual machine as the web server. Virtual machines are common in many implementations with Java. This benefits the system by allowing the web server to run on any platform.

28. Regarding claim 24, Marullo et al. (USPN 6,044,398) teaches all the limitations as applied to claim 13. They further teach means for sending a response from the operations worker to the network traffic worker (column 8, lines 27-31; column 23, lines 8-9; column 8, lines 8-10). Note that in the reference, internal communications of the server allow this to occur.

Although the system disclosed by Marullo et al. (USPN 6,044,398) shows substantial features of the claimed invention, it fails to disclose that the web server is a virtual machine.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Marullo et al. (USPN 6,044,398), as evidenced by Joffe et al. (USPN 6,185,619).

In an analogous art, Joffe et al. (USPN 6,185,619) discloses a system wherein a virtual machine functions as a web server (column 4, lines 61-63; column 6, line 60). Note that in the reference, the virtual machine is noted as being used as any type of server. The web server is specifically mentioned.

Given the teaching of Joffe et al. (USPN 6,185,619), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Marullo et al. (USPN 6,044,398) by employing the use of a virtual machine as the web server. Virtual machines are common in many implementations with Java. This benefits the system by allowing the web server to run on any platform.

29. Regarding claim 25, Marullo et al. (USPN 6,044,398) teaches all the limitations as applied to claim 13. They further teach means wherein transmitting the response to the browser further includes the network traffic manager sending the response to the browser (column 8, lines 27-31; column 23, lines 8-9; column 8, lines 8-10). Note that this is a common function of a web server.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the following:

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- a. Win et al. (USPN 6,161,139) – System for client access to administrative functions
- b. Ludewig et al. (USPN 6,327,609) – System for the use of cookies in Java.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-9242 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Kevin Parton
Examiner
Art Unit 2153

ksp
February 4, 2003


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Application/Control Number: 09/585,945

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